

Notice of Allowability

Application No.

08/653,294

Applicant(s)

CLAYBERGER ET AL.

Examiner

Art Unit

DiBrino Marianne

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment after final rejection filed 5/2/05.
2. ☒ The allowed claim(s) is/are 28-39.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date attached hereto.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. Applicant's response filed 5/25/05 is acknowledged and has been entered.

EXAMINER'S AMENDMENT

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given by Dr. Laurie Hill in an interview on 6/7/05.

3. In the claims:

- a. Claim 40 has been canceled.

- b. In claim 32, "acids" at line 2 has been deleted and --acid residues--has been added after "amino" and before "is" at line 2.

- c. In claim 33, "acids" at line 1 has been deleted and --acid residues--has been added after "amino" at line 1.

- d. In claim 35, "which is a peptide and" has been deleted.

- e. In claim 39, "YRLAIRRIALRY (SEQ ID NO: 36)," has been deleted at line 3.

- f. In claims 29, 30, 31, 32, 33, 34, 35 and 36, --dimer--has been added after "peptide" and before "of" at line 1, and additionally in claim 35, --dimer--has also been added after "peptide" and before "are" at line 2.

- g. In claim 37, --dimer--has been added after "peptide" and before "of" at line 4.

- h. In claim 38, --dimer--has been added after "peptide" and before "is" at line 1, and --dimer--has been added after "peptide" and before the "." at line 4.

- i. In claim 28, --said peptide--has been added after "the" and before "dimer" at line 2.

REASONS FOR ALLOWANCE

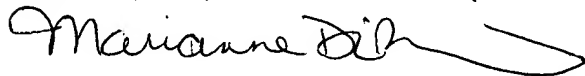
4. The following is an examiner's statement of reasons for allowance:

- a. Claims 28-39 are pending and are allowable.
 - b. The terminal disclaimer filed 12/3/04 over U.S. Patent Serial No. 6,436,903 is acceptable.
 - c. The terminal disclaimer filed 12/3/04 over U.S. Patent Serial No. 5,723,128 is acceptable.
 - d. The claimed peptide dimer/composition thereof that inhibits CTL-mediated cytotoxicity and method for extending the period of acceptance by a recipient of a transplant from an allogeneic or xenogeneic MHC donor comprising the claimed peptide dimer is not taught or suggested by the prior art.
 - e. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marianne DiBrino whose telephone number is 571-272-0842. The Examiner can normally be reached on Monday, Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Christina Y. Chan, can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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June 9, 2005



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